उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr.M.P.No. 147/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

SB : HON'BLE SHRI DHIRENDRA MISHRA, J.

CR. M. P.NO. 147 OF 2007

APPLICANTS

1. Ropram Patel, S/o. Rakshadhar, aged about 56 years, Occupation Service, R/o. Village Gejamuda, Tahsil & District Raigarh, at present residing at New Basti, Darogamuda, Kotra Road, Raigarh, Tahsil & District Raigarh (CG)

2. Smt. T.K.Patel, W/o. Shri Roopram Patel, aged about 53 years, Occupation-Housewife, R/o. Village Gejamuda, Tahsil and District Raigarh, at present residing at New Basti, Darogamuda, Kotra Road, Raigarh, Tahsil & District Raigarh (CG)

Vs.

NON-APPLICANTS

1. Dilip Kumar Patel, S/o. Chandrabhan Patel, aged about 38 years, Occupation Agriculture, R/o. Village Gejamuda, P.S. Kotra Road, Raigarh, Tahsil and District Raigarh (CG)

2. State of Chhattisgarh, through District Magistrate, Raigarh (CG)

Oral Order
(25.7.2007)

Shri Uttam Pandey, counsel for the petitioners.

Shri G.K.Beriwal, Dy. A.G. for the State.

Heard.

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

The petitioners by the instant petition under Section 482 of the Code of Criminal Procedure has prayed for quashment of criminal proceedings initiated against them in complaint case No. 665/2006. The grievance of the petitioners is that from bare perusal of the complaint of Annexure A/1 filed by the respondent No.1 in the Court of Judicial Magistrate First Class, Raigarh no offence under Sections 406, 465, 468 and 471/34 of IPC is made out.

It is argued that even if the whole allegations contained in the complaint is accepted, no offence under Sections 406,465,468 and 471 is made out. However, the learned Magistrate has mechanically registered the offence without application of mind. It is further argued that from the allegations of the complaint it would be evident that the allegations are against the Company namely Swarn Bhoomi Forest India Limited. However, the Company has not been arrayed as an accused person in the complaint and therefore the total proceedings at the instance of the complainant is abuse of process of law and the same deserves to be quashed.

I have heard counsel for the petitioner.

I have gone through the complaint of Annexure A/1. Taking into consideration the allegations in the complaint that the complainant was made to pay certain sum on the promise that the same shall be returned three-fold after a particular period (5 ½ years) and thereafter no payment was disbursed to the complainant

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

prima facie an offence under Section 420 of the IPC appears to be made out.

In the aforesaid circumstances, the petition for quashment of the criminal proceedings at the instance of the petitioners cannot be entertained.

In the result, the petition being thus devoid of substance is liable to be dismissed and the same is accordingly dismissed.

Sd/-
DHIRENDRA MISHRA
Judge

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